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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,409	01/30/2004	Cynthia Kac Florkey	LUC-466/Florkey 16-10-24	6926
32205 7590 05/14/2007 CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER NGUYEN, KHAI N	
			ART UNIT 2609	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/768,409

Applicant(s)

FLORKEY ET AL.

Examiner

Khai N. Nguyen

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>30 January 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed on January 30, 2004 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant's abstract is not described the disclosure sufficiently. The abstract also contained form and legal phraseology often used in patent claims (the word "comprises") and repeated information given in the title ("port a directory number for a duration of time").

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mazzarella et al. (U.S. Pub No. US 2002/0107011).

Regarding claim 1, Mazzarella et al. teach an apparatus and method, comprising:

a portability component that automatically updates one or more provisioning components (see Fig. 1) to port a directory number for a duration of time (column 3, lines 5-9).

Regarding claim 2, Mazzarella et al. teach upon accepted a request to port the directory number, the portability component receives one or more identifiers associated with one or more provisioning components and uses those identifier to notify the provisioning components of the request to port the directory number (Fig. 1, and column 3, lines 10-15).

Regarding claim 3, Mazzarella et al. teach the request to port the directory number comprises an association between the directory number and a location routing number, the portability component provides the association to a

management component, and one or more network components cooperate to provide and/or terminate service for the directory number (Fig. 1, and column 3, lines 33-36).

Regarding claim 4, Mazzearella et al. teach the portability component communicates with the ported-from provisioning component and ported-to provisioning component through employment of the identifiers to terminate service and provide service for the telephony device (Fig. 1, and column 3, lines 16-21).

Regarding claim 5, Mazzearella et al. teach the portability component cooperates with the provisioning component of the first service provider and the provisional component of the second service providers to port the directory number from the first service provider to the second service provider (Fig. 1, and column 29-32).

Regarding claim 6, Mazzearella et al. teach the portability component cooperates with the ported-from provisioning component to terminate the access to the first set of services by the telephony device, and with the ported-to provisional component to provide access to the second set of services by the telephony device (Fig. 1, and column 3, lines 46-48).

Regarding claim 7, Mazzearella et al. teach upon expiration of the duration of time, the portability component in combination with one or more provisioning components port the directory back to the initial state (column 4, lines 41-45). It is well known by those skilled in the art that service order cancellation will be

automatically activated and the ported directory will be back to the initial state if there is no response from the subscriber.

Regarding claim 8, Mazzearella et al. teach the ported-to provisioning component initiates a request to the portability component to port the directory number; the portability component notifies the ported-from provisioning component of the request (column 3, lines 46-50).

Regarding claim 9, Mazzearella et al. teach a subscriber database that comprises a subscriber entry for the directory number (column 2, lines 42-45); the portability component and the ported-from provisioning component cooperate to change the subscriber entry in the subscriber database from the initial state to a ported state and from ported state to initial state (column 4, lines 1-8).

Regarding claim 10, Mazzearella et al. teach upon the portability component and the ported-from provisioning component cooperate to change the subscriber entry in the subscriber database, the subscriber database and the switch component cooperate to restart the service at the network for the telephony device associated with the directory number (column 4, lines 9-12).

Regarding claims 11 and 12, Mazzearella et al. teach the subscriber database and the switch component cooperate to notify one or more callers and a user of the telephony device associated with the directory number of a period of time remaining until the expiration of the time to port the directory number (column 4, lines 31-37).

Regarding claims 13, 14 and 15, Mazzarella et al. teach a timer component that determines an expiration of the duration of time to port the directory number based on the value for the duration of time (column 3, lines 33-40); and upon receipt of the notification from the timer component, and then the provisioning components port the directory number back to initial state (column 4, 31-37). Again, it is well known by those skilled in the art that service order cancellation will be automatically activated and the ported directory will be back to the initial state if there is no response from the subscriber.

Regarding claims 16 and 17, Mazzarella et al. teach the portability components employs the interfaces to receive the identifiers and a value of the duration of time (column 4, lines 1-8); and upon an expiration of the duration of time, the portability component removes the association between the directory number and the location routing number (LRN), wherein a telephony device receives service associated with the directory number and/or location routing numbers (column 4, lines 9-26).

Regarding claims 18, Mazzarella et al. teach a method, comprising the step of:

automatically updates one or more provisioning components (see Fig. 1) to port a directory number for a duration of time (column 3, lines 5-9).

Regarding claim 19, Mazzarella et al. teach a method, comprises the steps of:

receiving a request to port the directory number; request comprises one or more identifiers associated with one or more provisioning components (Fig. 1, and column 3, lines 10-15); a value for the duration of time (column 3, lines 33-40); and an association between the directory number and a location routing number (LRN) (column 4, lines 9-12);

providing the association to the provisioning components through employment of the identifiers upon receipt of the request (Fig. 1, and column 3, lines 16-21);

setting a ported-out flag associated with the directory number (column 4, lines 16-18);

determining an expiration of the duration of time through employment of the value of time (column 4, lines 31-32);

notifying the provisioning components through employment of the identifiers upon the expiration of time (column 4, lines 1-8);

clearing the ported-out flag associated the directory number upon the expiration of time (column 4, lines 16-19).

Regarding claim 20, Mazzarella et al. teach a method further comprising the steps of:

porting the directory number from first service provider to the second service provider (column 3, lines 10-16);

terminating service for telephony device associated with the directory number of the first service provider if no response from the subscriber (column 4, lines 33-37);

providing service for the telephony device by the second service provider (column 4, lines 19-22);

receiving a notification of the expiration of time (column 4, lines 31-37);

porting the directory number from first service provider to the second service provider (column 3, lines 10-16);

terminating service for the telephony device associated with the directory number with the second service provider (column 4, lines 16-18);

providing a message indicating the expiration of time to a user of the telephony associated with the directory number (column 4, lines 37-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzarella et al. (U.S. Patent Number 6,819,921) in view of Petrunka (U.S. patent Number 6,584,193).

Regarding claim 21, Mazzarella et al. disclose everything claimed as applied above (see claims 1 and 18). However, Mazzarella et al. fail to specifically disclose their invention is readily implementable as one or more computer-readable signal-bearing media.

In the same field of endeavor, Petrunka discloses a method and system for using the existing Local Number Portability (LNP) infrastructure to intercept all calls to a subscriber and route them to a network platform. LNP is a telephony service that allows subscribers to retain their directory number when they change service providers (column 3, lines 38-45). The advantage of Petrunka's invention is an article (computer program product) with computer program code in combination with hardware implements the method or process steps described, and this computer code is stored on storage media (diskette, hard disk, CD-Rom, etc. – computer-readable signal-bearing media, column 5, lines 27-40). Additionally, the computer program code can be transferred to the appropriate hardware over some type of data network (column 5, lines 41-43).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to provide Mazzarella et al. with an article, comprising: one or more computer-readable signal-bearing media to implement the method or process steps for automatically updating the provisioning components to port a directory number for a duration of time.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rollender (U.S. Patent 6,192,242) teaches a method and system for automatically porting a directory number from one service provider to another.

Nimmagadda (U.S. Patent 5,732,131) teaches a method and system for implementing directory number portability.

Bargout et al. (U.S. Patent 5,867,570) teach a system and method for directory number portability in telephone networks.

Bhagat et al. (U.S. Patent 5,910,981) teach a method and apparatus for automatically updating the local database for directory number portability.

Nimmagadda (U.S. Patent 5,854,836) teaches a method and system for combining an information delivery service with directory number portability in a local number portability environment.

Mikhailov et al. (U.S. Pub. 2002/0080947) teach the provision to enable directory number portability for subscriber in a switched telephone network.

Kieren (U.S. Patent 6,711,251) teaches an improved system and method for enabling directory number portability.

Howe (U.S. Patent 6,909,900) teaches method and system for routing land-to-mobile calls using a wire line (land/PSTN) service control point (SCP) /service switching point (SSP) and the wireless home location register (HLR).

White et al. (U.S. Patent 6,021,126) teach method and system that using databases and Internet for directory number portability.

Eskafi et al. (U.S. Patent 6,438,223) teach a One-Number-Service in which a directory number is retained when moving from one access point to another.

Jain et al. (U.S. Patent 7,020,256) teach the temporary logical telephone numbers/dynamic telephone number service for protecting privacy while sharing a number for public purposes.

Slutsman et al. (U.S. Patent 6,421,442) teach method of enhancing call processing in a directory number portability environment.

Other Publications

"Local Number Portability," Cisco Systems document describes local number portability (LNP) and its implementation and operation on the Cisco BTS 10200 Softswitch, 2003, Cisco Systems, Inc., San Jose, USA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai N. Nguyen whose telephone number is (571) 270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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